**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**C.R.No. 691 of 2006**
**Date of decision : 16.4.2007**

Gram Vikas Sabha, Barnala Kalan

...Petitioner.

Versus

The Punjab Wakf Board and others.

...Respondents.

**CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA**

Present : Mr.R.D. Bawa, Advocate
for the petitioner.

Mr. Vikas Behl, Advocate
for respondent No.1.

Mr. Anand C hhibber, Advocate
for respondent No.3.

Ms. Anju Arora, Advocate
for respondents No. 2,4 and 5.

****

**VINOD K. SHARMA, J. ( ORAL )**

The present revision petition has been filed against the order passed by the learned Civil Judge (Sr. Divn.), Nawanshahr vide which the suit filed by the petitioner has been ordered to be transferred to the Additional District Judge, Ist, Nawanshahr being a Tribunal under the Wakf Act, 1995 ( hereinafter referred to as 'Act').

The learned counsel appearing on behalf of the petitioner has challenged the said order primarily on the ground that the suit filed by the plaintiff could not be transferred to the Tribunal as under Section 6 of the Act, it is only those persons who are interested in the Wakf are entitled to

institute a suit before a Tribunal for the adjudication of controversy. According to the learned counsel for the petitioner even the explanation to Section 6 of the Act does not in anyway improve the position as the person entitled to maintain the suit would be one to whom the notice has been issued and an opportunity of hearing is given to him. So the contention of the learned counsel for the petitioner is that as the learned Court was not competent to transfer the suit before the Wakf Tribunal.

However, the learned counsel appearing on behalf of the respondent while placing reliance on the judgment of Hon'ble Madras High Court ***Salman Khan etc. Vs. Tamil Nadu Wakf Board, Chennai and others AIR 2005 Madras 241*** contends that in terms of Section 83 of the Wakf Act, the Tribunal which has all the powers to adjudicate all the disputes and other questions or matters relating to the Wakf or Wakf property, the Tribunal can also go into the controversy whether the property vests in Wakf Board or not.

However, the learned counsel for the petitioner submits that the Hon'ble Madras High Court has not considered the provisions of Section 6 of the Act and the judgment of the Hon'ble Supreme Court in case of ***The Board of Muslim Wakfs, Rajasthan Vs. Radha Kishan and others AIR 1979, Supreme Court 289*** and judgment of the Hon'ble Supreme Court in case ***Punjab Wakf Board Vs. Gram Panchayat @ Gram Sabha 2002(2) PLJ 91.***

After hearing the learned counsel for the parties, I find no force in the contention raised by the learned counsel for the petitioner. The judgment of the Hon'ble Supreme Court relied upon by the learned counsel

for the petitioner is with regard to the interpretation of Section 6 of the Act. Whereas under Section 83 of the Act the State Government by notification has been authorised to constitute the Tribunal for determination of any dispute, question or other matter relating to the Wakf or Wakf property, thus, the Tribunal has been vested with vast powers and has been vested with the authority to determine all the questions which will include the determination of ownership of Wakf Board with regard to the property claimed to be a Wakf property. The provisions of Section 80(c)(f) of the Act further provide a full fledged remedy to any party if there is any dispute, question or other matter relating to the Wakf or Wakf property. The plain reading of Sections 80(c)(f) and 84 of the Act further makes it clear that the orders passed prior to the commencement of Act or a dispute, question or matter which has arisen before the commencement of the Act can also be adjudicated by the Wakf Tribunal. Thus, the matter in dispute between the parties can only be adjudicated by the Wakf Tribunal and, therefore, the learned Court below was right in transferring the suit to the Tribunal.

No ground is made out which may call for interference by this Court in the revisional jurisdiction.

Dismissed.

April 16,2007 **( VINOD K. SHARMA )**
Tripti/sp **JUDGE**